

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE: TERRORIST ATTACKS ON :
SEPTEMBER 11, 2001 : **03-MDL-1570 (GBD)(SN)**

This Document Relates To:

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-6977 (GBD)(SN)

Bauer, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-7236 (GBD)(SN)

NOTICE OF AMENDMENT

Plaintiffs Laura Ryan, Colin Ryan, and Kristen Ryan, file this Notice of Amendment with respect to the underlying *Ashton* Third Amended Consolidated Master Complaint through the *Ashton* Sixth Amended Consolidated Master Complaint, *Ashton* ECF Doc. Nos. 38, 111, 465, in order to receive the benefit of the 2006 default judgment on liability in favor of the Ryan family and against the Taliban entered by this Court on May 12, 2006, at MDL ECF Doc. No. 1797.

Upon the filing of this Notice of Amendment, the underlying Complaints are deemed amended to include Laura Ryan, Colin Ryan, and Kristen Ryan as named Plaintiffs.

Laura Ryan, Colin Ryan, and Kristen Ryan are surviving children of John J. Ryan, Deceased. Laura Ryan, Colin Ryan, and Kristen Ryan, were all minors when the *Bauer* and *Ashton* cases were filed. They were included in the original September 10, 2002 *Bauer* Complaint as:

PATRICIA RYAN, Individually and as Executrix
of the Estate of JOHN J. RYAN, deceased, and on behalf of all
survivors of JOHN J. RYAN,

Bauer, ECF Doc. No. 1, p. 9. Further, they were described in the original *Bauer* Complaint as follows:

Plaintiff, PATRICIA RYAN, is the wife of the decedent JOHN J. RYAN, and has been appointed the Administratrix, Executrix, and/or Personal

Representative of her husband's estate. Plaintiff brings this action on behalf of herself individually, as well as in a representative capacity on behalf of all potential heirs, survivors, next of kin, and/or beneficiaries of the decedent, JOHN J. RYAN, and on behalf of any other individual entitled to recover under the applicable law.

Bauer, ECF Doc. No. 1, p. 24 (39 of 126), at ¶ 52. They were thereafter included in the

Ashton Third and Sixth Amended Consolidated Master Complaints as:

PATRICIA RYAN, Individually and as Executrix
of the Estate of JOHN J. RYAN, deceased,

Ashton ECF Doc. No. 111-2, at p. 88; *Ashton* ECF Doc. No. 465, at p. 96, respectively.

Laura Ryan, Colin Ryan, and Kristen Ryan were minor children at the time of the filing of the underlying *Bauer* and *Ashton* complaints and were not specifically named in the underlying original *Bauer* Complaint and *Ashton* Third and Sixth Amended Consolidated Master Complaint, but their claims were represented by their mother, Patricia Ryan. Their claims are encompassed in the original *Bauer* Complaint in the language “on behalf of all survivors of John J. Ryan” and, within the body of the Complaint as “as in a representative capacity on behalf of all potential heirs, survivors, next of kin, and/or beneficiaries of the decedent, JOHN J. RYAN”

In the *Ashton* Third and Sixth Amended Consolidated Complaints, they were within the ambit of the Estate of John J. Ryan because, first, *Bauer* was consolidated with *Ashton*, and second, because naming the minor Ryan children as set forth above comports with New York state wrongful death law, which grants standing only to the personal representative of a decedent to bring an action exclusively for the benefit of the decedent's distributees. EPTL § 5-4.1; § 5-4.4(a); *Frometa v. Mar-Can Transportation Company, Inc.*, 148 N.Y.S.3d 613 at 624, 72 Misc.3d 316 at 326-27 (2021) (because only the personal representative can bring an action for wrongful death for the exclusive benefit of the distributees, “a spouse or child, in their individual

capacity, lack standing to assert such claims on behalf of the decedent” and proposed causes of action based on their individual claims were “duplicative”).

Plaintiffs file this Notice of Amendment to add specifically Laura Ryan, Colin Ryan, and Kristen Ryan, who are now adults, to the caption of the *Ashton* Third and Sixth Amended Consolidated Master Complaints.

The underlying pleadings are deemed amended to include the factual allegations, jurisdictional allegations, all causes of action against the Taliban specified below, and jury trial demand of the original *Bauer* Complaint and the *Ashton* Third through Sixth Amended Consolidated Master Complaints. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint.

CAUSES OF ACTION

Laura Ryan, Colin Ryan, and Kristen Ryan hereby adopt and incorporate herein by reference the following causes of action against the Taliban set forth in the original *Bauer* Complaint and the *Ashton* Third through Sixth Consolidated Master Complaints:

☒ **Ashton Third through Sixth Amended Consolidated Master Complaints (check all causes of action that apply):**

- ☒ COUNT I – Wrongful Death Based on Intentional Murder
- ☒ COUNT II – Survival Damages Based on Intentional Murder
- ☒ COUNT III – Assault and Battery
- ☒ COUNT IV – Aiding and Abetting and Conspiring with Al Qaeda to commit the September 11th Attacks upon the United States in Violation of 18 U.S.C. § 2333(a)
- ☒ COUNT V – Torture Victim Protection Act

- ☐ COUNT VI – 28.U.S.C. § 1605(a)(7)
- ☒ COUNT VII – Punitive Damages
- ☐ COUNT VIII – Property Damage.

IDENTIFICATION OF NEW PLAINTIFFS

Laura Ryan, Colin Ryan, and Kristen Ryan are survivors of John J. Ryan, who died in the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart lists the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	State of Residency at Filing (or death)	Citizenship / Nationality on 9/11/2001	Decedent's Name	New Plaintiff's Relationship to Decedent	Complaint Discussing Decedent
1.	Ryan, Colin	CA	US	Ryan, John J.	Child	<i>Bauer</i> , ECF Doc. No. 1; <i>Ashton</i> ECF Doc. No. 111
2.	Ryan, Kristen	NJ	US	Ryan, John J.	Child	<i>Bauer</i> , ECF Doc. No. 1; <i>Ashton</i> ECF Doc. No. 111
3.	Ryan, Laura	NY	US	Ryan, John J.	Child	<i>Bauer</i> , ECF Doc. No. 1; <i>Ashton</i> ECF Doc. No. 111

Respectfully Submitted,

Date: October 14, 2022

/s/ Timothy B. Fleming
Timothy B. Fleming (DC Bar No. 351114)
WIGGINS CHILDS PANTAZIS
FISHER GOLDFARB, PLLC
2202 18th Street, NW, #110

Washington, DC 20009-1813
(202) 467-4489

Dennis G. Pantazis (AL Bar No. ASB-2216-A59D)
WIGGINS CHILDS PANTAZIS
FISHER GOLDFARB, LLC (*Lead Counsel*)
The Kress Building
301 19th Street North
Birmingham, AL 35203
(205) 314-0500

*Attorneys for Plaintiffs Patricia Ryan, as Personal
Representative of the John J. Ryan, Deceased,
Patricia Ryan, Colin Ryan, Kristen Ryan, and
Laura Ryan*